

1 DEAN S. KRISTY (CSB No. 157646)
2 dkristy@fenwick.com
3 JENNIFER BRETAN (CSB No. 233475)
4 jbretan@fenwick.com
5 FENWICK & WEST LLP
6 555 California Street, 12th Floor
7 San Francisco, CA 94104
8 Telephone: 415.875.2300
9 Facsimile: 415.281.1350

10 Attorneys for Defendants
11 Tesla, Inc. and Elon Musk

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

17
18
19
20
21
22
23
24
25
26
27
28
IN RE TESLA, INC. SECURITIES
LITIGATION

Case No.: 3:18-cv-04865-EMC

**STIPULATION AND [PROPOSED]
ORDER EXTENDING BRIEFING
SCHEDULE ON LEAD PLAINTIFF'S
MOTION FOR LEAVE TO SERVE
NON-PARTY DOCUMENT
PRESERVATION SUBPOENAS; AND
CONTINUING HEARING TO
JANUARY 24, 2019 AT 1:30 P.M.**

(Civil L.R. 6-1(b) and 16-2)

Judge: The Honorable Edward M. Chen

Date Action Filed: August 10, 2018

STIP. AND [PROPOSED] ORDER
EXTENDING BRIEFING AND HEARING
SCHEDULE ON LEAD PLTFs.' MOT.
FOR LEAVE TO SERVE PRESERVATION
SUBPOENAS

1 WHEREAS, on November 27, 2018, the Court issued an Order (Dkt. No. 152)
 2 (1) granting Plaintiffs' motions to consolidate this case and eight additional proposed class
 3 actions, each alleging violations of the federal securities laws against defendants Tesla, Inc. and
 4 Elon Musk (collectively, "Defendants"); and (2) Granting Plaintiff Glen Littleton's ("Lead
 5 Plaintiff") motion for appointment as Lead Plaintiff and approving Littleton's selection of Levi &
 6 Korsinsky, LLP as Lead Counsel;

7 WHEREAS, pursuant to the Reform Act, all discovery and other proceedings shall be
 8 stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of
 9 any party that particularized discovery is necessary to preserve evidence or to prevent undue
 10 prejudice to that party (15 U.S.C. § 78u-4(b)(3)(B));

11 WHEREAS, on December 12, 2018, Lead Plaintiff filed a Motion for Leave to Serve
 12 Non-Party Document Preservation Subpoenas (Dkt. No. 167) and noticed a hearing for January
 13 17, 2019 at 1:30 p.m.;

14 WHEREAS, in light of the upcoming holidays, the parties have met and conferred and
 15 agreed on a revised briefing and hearing schedule in connection with Lead Plaintiffs' Motion for
 16 Leave to Serve Non-Party Document Preservation Subpoenas;

17 IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 7-12, by and between the
 18 undersigned counsel for Defendants and Lead Plaintiff, subject to the approval of the Court, that:

- 19 1. Defendants shall file an opposition to Lead Plaintiff's Motion for Leave to Serve
 20 Non-Party Document Preservation Subpoenas on or before January 4, 2019;
- 21 2. Lead Plaintiff shall file any reply in support of his motion on or before January 11,
 22 2019;
- 23 3. The hearing on Lead Plaintiff's Motion for Leave to Serve Non-Party Document
 24 Preservation Subpoenas shall be CONTINUED to January 24, 2019 at 1:30 P.M.
 25 or at such other time as the Court may deem appropriate.

26 ///

27 ///

28 ///

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

Dated: December 21, 2018

FENWICK & WEST LLP

By: /s/ Jennifer C. Bretan
Jennifer C. Bretan

555 California Street, 12th Floor
San Francisco, California 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Defendants Tesla, Inc. and Elon Musk

Dated: December 21, 2018

LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton
Adam M. Apton

44 Montgomery Street, Suite 650
San Francisco, CA 94104
Telephone: (415) 291-2420

Attorneys Lead Plaintiff Glen Littleton

Pursuant to Local Rule No. 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: December 21, 2018

By: /s/ Jennifer C. Bretan
Jennifer C. Bretan

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December __, 2018

Hon. Edward M. Chen
United States District Court Judge